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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,970	01/05/2007	Andreas Prinz	PRINZ ET AL-4 PCT	8540
25889	7590	03/18/2008		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1793	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,970	Applicant(s) PRINZ ET AL.	
	Examiner Clifford C. Shaw	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05-11-2006</u> . | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

1.) The drawings are objected to. Figures 3 and 4 are to be labeled as "Prior Art"

2.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.) Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 8, it is not clear what is meant by "in particular". In claim 2, line 4, "and/or" makes it unclear what the scope of the claim is. In claim 3, it is not clear what is meant by the language "the ratio ... is high". In claims 4 and 5, last line, each claim, it is not clear what is meant by "preferably". In claim 7, line 6, it is not clear what is meant by "such as, e.g.", making the scope of the claim unclear. Claim 6 is inadequate under the second paragraph of 35USC112 in that it depends from claim 1.

4.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.) Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stava (5,117,088) taken with Stone et al. (3,376,470). Figures 3-7 and the discussion at columns 8-11 disclose a method for arc ignition wherein pulse packets of high frequency controlled pulses are applied across the electrode and workpiece (see the high frequency packets in either figure 3, 5, or 6). The claims differ from Stava (5,117,088) in calling for connection of the welding current after the ignition of the welding arc. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have practiced the method of Stava (5,117,088) so that the welding current was connected after arc ignition, the reason being the teachings of Stone et al. (3,376,470) that such an approach is useful when igniting an arc (see element 34 in figure 2 of Stone et al. (3,376,470) and the discussion at column 3, lines 65-75).

6.) Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisser (2,891,196). Figure 4 and the discussion thereof in the patent to Lisser (2,891,196) disclose a circuit for welding arc ignition with features claimed, including: charge circuit 4, 7; pulse capacitor 8, switch formed by a magnetic inductor at 9; transformer 20, 21; pulse compression

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circuit associated with 8' and 9'; and controller at 11. The claims differ in calling for "contact-less ignition" and in calling for "high frequency" pulses. These differences do not patentably distinguish over the prior art. In so far as the language "contact-less ignition" imposes a structural limitation on the subject matter claimed, this limitation would be obvious over the prior art. It is considered obvious that the system of Lissner (2,891,196) would be capable of contact-less ignition because it is providing high voltage pulses in a manner similar to applicant's system. In regard to the "high frequency" pulses, the pulses of Lissner (2,891,196) are obviously of "high frequency" in some sense, satisfying the claim language.

7.) Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lissner (2,891,196) as applied to claims 8-10 above, and further in view of Stone et al. (3,376,470). The only aspect of the claim to which the rejection above does not apply is the provision for controlling the connection of welding current after ignition is complete. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have provided the circuit of Lissner (2,891,196) with this feature, the reason being the teachings of Stone et al. (3,376,470) that such is advantageous in an arc welder (see element 34 in figure 2 of Stone et al. (3,376,470) and the discussion at column 3, lines 65-75).

8.) The patent to Eldridge (4,767,912) is cited to show a prior art welding arc ignition arrangement that produces packets of high frequency pulses.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Roy King, can be reached at 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Clifford C Shaw/
Primary Examiner, Art Unit 1793

March 26, 2008